



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 637 (Substitute S-1 as reported)
Senate Bills 638 and 639 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bill 637 (S-1) would amend the Michigan Vehicle Code to do the following:

- Revise provisions regarding certification by the Department of State of breath alcohol ignition interlock devices (BAIIDs).
- Revise requirements that a BAIID manufacturer must comply with in order to be included on the Department's list of approved manufacturers.
- Require a manufacturer, upon request, to give the Department at least two model certified BAIIDs for demonstration and training purposes, and install them in vehicles, at no cost to the State.
- Require a BAIID provider to train Department employees at no cost to the State, and provide a detailed description of the device and complete technical specifications upon request.
- Require a manufacturer to reapply for approval annually.
- Provide that the Department would be responsible for approving BAIID service centers in Michigan, and establish criteria for approval.
- Require BAIIDs to be serviced only by service centers that were manufacturers/vendors of the devices, and require BAIIDs to be installed, serviced, or removed only in a motor vehicle repair facility.
- Allow installation or removal of a BAIID to be observed only by BAIID-certified mechanics and manufacturer and Department representatives.
- Allow the Department to conduct compliance inspections of a manufacturer or service center, at the manufacturer's expense.
- Authorize the Secretary of State (SOS) to issue an order summarily suspending the certification of a manufacturer and its BAIID due to noncompliance with the Code or administrative rules.
- Prohibit a person from performing BAIID-related service in Michigan without approval from the Department of State, and require a BAIID mechanic to give a customer verification of BAIID installation.
- Require a manufacturer to ensure that BAIID mechanics met requirements prescribed in the bill.
- Prescribe requirements for a person to be certified as a BAIID mechanic.
- Provide that a mechanic who had been convicted of a felony or alcohol-related driving offense within the previous five years would be ineligible for approval.
- Authorize the SOS to investigate a BAIID mechanic's compliance with the Code, and require the SOS to suspend, revoke, or deny BAIID certification under certain circumstances.
- Delete provisions exempting the State, the Department of State, or a court, as well as officers, agents, and employees of those entities, from liability regarding damage to

people or property resulting from a BAIID manufacturer's, installer's, or servicing agent's act or omission.

- Revise liability insurance provisions for a BAIID manufacturer and provider.
- Provide that a required period of suspension or restriction due to a drunk driving conviction would not be subject to appeal to the SOS.
- Authorize the SOS to provide any notice required under the Code or another law regulating vehicle operation by electronic means.

Senate Bill 638 would amend the sentencing guidelines in the Code of Criminal Procedure to revise references to sections of the Vehicle Code that Senate Bill 637 (S-1) would amend.

Senate Bill 639 would amend the Motor Vehicle Service and Repair Act to include a BAIID service center in the definition of "motor vehicle repair facility".

Senate Bills 638 and 639 are tie-barred to Senate Bill 637.

MCL 257.20d et al. (S.B. 637)
777.12f (S.B. 638)
257.1301 (S.B. 639)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 637 (S-1) would have no fiscal impact on the Department of State. Given the program currently in place, any costs to the Department associated with the certification of BAIID mechanics, service centers, or BAIIDs themselves would either be reimbursed by the BAIID manufacturer or be covered by the Department's current annual appropriations. Any increases in costs to the Department would be negligible.

Senate Bills 638 and 639 would have no fiscal impact on State or local government.

Date Completed: 11-8-13

Fiscal Analyst: Joe Carrasco
Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.